

## INITIAL STATEMENT OF REASONS

The Employment Training Panel (Panel) is proposing to repeal Sections 4402.1, 4403, 4408 and 4431 in Title 22 of the California Code of Regulations. These actions would delete outdated procedures for a variety of funding programs, and would eliminate incorrect procedures for responding to requests under the Public Records Act.

### Specific Purpose of the Actions

Sections 4402.1, 4403 and 4408 are proposed for repeal because they establish procedures that are no longer in use. Section 4431 is proposed for repeal because it sets parameters for responding to a request for documents that are inconsistent with the Public Records Act (PRA).

### Necessity for the Actions

Repeal T.22, C.C.R. Section 4402.1: Contractor Meetings. This regulation provides for possible orientation meetings with prospective contractors and their employees, for the purpose of introducing them to ETP policies and procedures. However, this information is now automated and conveyed through a structured online Orientation. Thus, Section 4402.1 is no longer necessary.

Repeal T. 22, C.C.R. Section 4402: Coordination with Other Agencies. This regulation provides for possible orientation meetings with prospective contractors and their employees. Practically speaking, ETP staff performs similar coordination efforts on a case-by-case basis with guidance from the statutory standards. Thus, Section 4402 is unnecessary.

Repeal T.22, C.C.R. Section 4408: California Career Ladders to the 21<sup>st</sup> Century Training. This regulation authorizes the Panel to jointly fund training projects with EDD under California Career Ladders to the 21st Century Training, which is a program that emphasizes upward mobility training. This regulation caps the joint funding at \$500,000 per project, and identifies what information the Panel would use to evaluate a funding proposal under this program. Several years ago, the Panel placed a moratorium on funding this program, due primarily to budget constraints. In 2004, the Panel authorized an independent study which confirmed that this program was not an effective use of ETP funds. However, the Panel has, and continues to fund upward mobility training projects as an aspect of the regular ETP program. For these reasons, Section 4408 is unnecessary.

Repeal T.22, C.C.R. Section 4431: Public Records. This regulation establishes procedures for responding to requests for ETP records that are made under the Public Records Act (PRA). However, these procedures are in conflict or inconsistent with the PRA, and with ETP practices.

For one thing, Section 4431 requires the public to request ETP records in writing. As interpreted by the court in *Los Angeles Times v. Alameda Corridor Transportation Authority* (2001) 88 Cal.App.4<sup>th</sup> 1381,1392 agencies must honor requests made in person or by telephone as well as in writing.

Furthermore, Section 4431 provides that a “per page photocopying fee shall be charged” to all requestors. However, it has been ETP’s practice to only charge for the cost of copying (and mailing if applicable) exceeds \$10.00, which is not reflected in this regulation. [Note: The electronic transmission of records is available at no charge, which practice is not reflected in this regulation.] The charge is based on the actual cost of photocopying, pursuant to the PRA. However, Section 4431 provides for a “reasonable charge for panel staff labor” which does not reflect the PRA standard.

The PRA and interpretive court rulings set stringent standards on how to respond to requests for public records, and the type of costs that may be charged for photocopying. This regulation does not clarify those standards, nor make them specific. Instead, it sets procedures that are incongruous with those standards. For these reasons, Section 4431 must be repealed.

#### Studies, Reports or Documents Relied Upon

The Panel relied on the following documents, all of which are located in the Rulemaking File:

- Memo to the Panel dated April 28, 2006
- Summary of the California Public Records Act 2004 published by the California Attorney General’s Office

The Panel did not consider technical, theoretical, or empirical studies reports or documents.

#### Alternatives Considered or Rejected

No other alternatives were presented to or considered in connection with the proposed regulatory actions.

#### Alternatives that Would Lesson Adverse Impact on Small Business

The proposed regulatory actions would have no adverse impact on business small or otherwise, as discussed in more detail below. Thus, there are no alternatives that would lesson said impact.

The Panel has not identified any alternatives that would lessen any adverse impact on small businesses. The proposed regulation would not have an adverse impact on small business.

### Evidence of No Significant Adverse Impact on Business

The proposed regulatory actions are designed to facilitate ETP funding for training that allows various businesses to improve the skill levels of their employees located in California. Businesses are not required to apply for this funding. Intrinsically, these regulatory actions would have no adverse economic impact on business, significant or otherwise.